

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

GEIGTECH EAST BAY LLC,

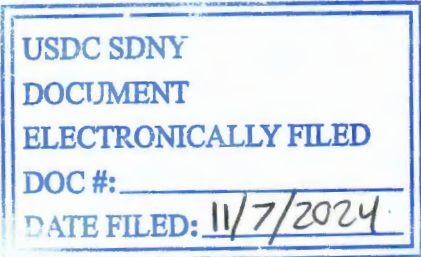
Plaintiff,

-against-

LUTRON ELECTRONICS CO., INC.,

Defendant.

X



18 Civ. 05290 (CM)
19 Civ. 04693 (CM)
20 Civ. 10195 (CM)

REQUEST FOR OPPOSITION BRIEF ON RULE 37 SANCTIONS

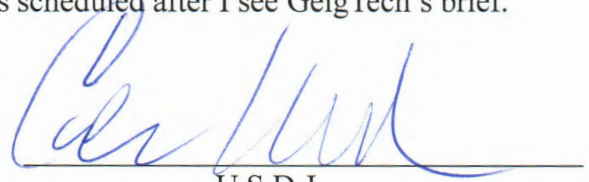
McMahon, J.:

I am treating Lutron's Opposition to GeigTech's Pretrial Brief as a motion *in limine*, (i) barring GeigTech from pursuing its proposed alternative method of proving damages as a sanction pursuant to Fed. R. Civ. P. 37; (ii) granting summary judgment or directing a verdict on the issue of damages, in light of GeigTech's announcement that it will not be pursuing \$3.84 million ("not a penny more, not a penny less") in damages or introducing testimony from its expert in support thereof; or (iii) otherwise barring GeigTech from abandoning its disclosed theory of damages at this late date. To the extent that Lutron seeks to bar the introduction of evidence about Snowy Owl, I have already said that there will be none, and there will be none. I am familiar with that evidence, which I have ruled is relevant only to the issue of willful infringement, which is not an issue for the jury to decide. Therefore, GeigTech does not need to address that issue; it has already lost.

GeigTech has until 10 AM on Monday, November 11 to respond by filing its brief on ECF. Monday is Veterans Day, and so a court holiday, but I will be present in chambers to receive the download. I suggest that you email the brief as well; please send to ChambersNYSDMcMahon@nysd.uscourts.gov.

I will decide whether the trial takes place as scheduled after I see GeigTech's brief.

Dated: November 7, 2024



U.S.D.J.

BY ECF TO ALL COUNSEL